

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

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INTELLECTUAL PROPERTY LAW  
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LOS ANGELES, CA 90025

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Deliver to: Antonio A. Caschera, USPTO Art Group: 2678  
 Facsimile No.: (571) 273-8300 Date: \_\_\_\_\_  
 From: Brent E. Vecchia, Reg. No. 48,011  
 Our Docket No.: 42P17696 Number of pages 5 including this sheet.  
 Application No.: 10/674,363 Filing Date: 9/29/2003  
 Docket Due Date(s): \_\_\_\_\_

Enclosed are the following documents:

<input type="checkbox"/> Amendment: _____ ( ____ pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( ____ pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: _____ ( ____ pgs) w/cover & abstract	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( ____ pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Facsimile _____	<input type="checkbox"/> Reply Brief ( ____ pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( ____ pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: _____ sheets, _____ figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( ____ pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( ____ pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input checked="" type="checkbox"/> Other: <u>Comments on Statement of Reasons for Allowance</u>	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

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Wendi Lou Rostan 5/17/07  
 Wendi Lou Rostan Date

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	10/674,363
		Filing Date	September 29, 2003
		First Named Inventor	Paul S. Diefenbaugh
		Art Unit	2678
		Examiner Name	Antonio A. Caschera
Total Number of Pages in This Submission	4	Attorney Docket Number	42P17696

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">         Comments on Statement of Reasons for Allowance       </div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	5/17/07

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Wendi Lou Rostan		
Signature	<i>Wendi Lou Rostan</i>	Date	5/17/07

Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ndc) 10/12/2006.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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**MAY 17 2007**

<b>FEE TRANSMITTAL</b> <b>for FY 2006</b> <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
		Application Number	10/674,363
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	September 29, 2003
		First Named Inventor	Paul S. Diefenbaugh
TOTAL AMOUNT OF PAYMENT		Examiner Name	Antonio A. Caschera
(\$)		Art Unit	2678
0.00		Attorney Docket No.	42P17696

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.	<input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

<b>FEE CALCULATION</b>																																																																																																																	
<b>1. EXTRA CLAIM FEES</b>																																																																																																																	
Total Claims <u>55</u> $\times$ <u>72*</u> = <u>0</u> $\times$ <u>60.00</u> = <u>\$0.00</u> Independent Claims <u>5</u> $\times$ <u>8*</u> = <u>0</u> $\times$ <u>200.00</u> = <u>\$0.00</u> Multiple Dependent	Extra Claims Fee from below Fee Paid																																																																																																																
<table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>50</td> <td>2202</td> <td>25</td> <td>Claims in excess of 20</td> </tr> <tr> <td>1201</td> <td>200</td> <td>2201</td> <td>100</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>1203</td> <td>360</td> <td>2203</td> <td>180</td> <td>Multiple Dependent claim, if not paid</td> </tr> <tr> <td>1204</td> <td>790</td> <td>2204</td> <td>395</td> <td>**Reissue independent claims over original patent</td> </tr> <tr> <td>1205</td> <td>300</td> <td>2205</td> <td>150</td> <td>**Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table>	Large Entity		Small Entity		Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	50	2202	25	Claims in excess of 20	1201	200	2201	100	Independent claims in excess of 3	1203	360	2203	180	Multiple Dependent claim, if not paid	1204	790	2204	395	**Reissue independent claims over original patent	1205	300	2205	150	**Reissue claims in excess of 20 and over original patent	SUBTOTAL (1) (\$) <u>0.00</u>																																																																														
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<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011
Signature	<i>Brent E. Vecchia</i>	Telephone	(303) 740-1980
		Date	5/17/07

Based on PTO/SB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 02/26/2007.  
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<b>FEE TRANSMITTAL</b> <b>for FY 2006</b> <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	10/674,363
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	September 29, 2003
		First Named Inventor	Paul S. Diefenbaugh
TOTAL AMOUNT OF PAYMENT		Examiner Name	Antonio A. Caschera
(\$)	0.00	Art Unit	2678
		Attorney Docket No.	42P17696

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.
- ☒ Credit any overpayments  
☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

**FEE CALCULATION**
**1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
55	72*	0	\$0.00
Independent Claims	5	0	\$0.00
Multiple Dependent			

  

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 160	Multiple Dependent claim, if not paid
1204 790	2204 395	**Reissue independent claims over original patent
1205 300	2205 150	**Reissue claims in excess of 20 and over original patent

\*or number previously paid, if greater. For Reissues, see below

SUBTOTAL (1)

(\$) 0.00

**2. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	
1051 130	2051 65	Surcharge - late filing fee or oath
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1402 500	2402 250	Filing a brief in support of an appeal
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1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
1809 790	1809 395	Filing a submission after final rejection (37 CFR § 1.129(e))
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.128(b))

Other fee (specify)

SUBTOTAL (2)

(\$)

Fee Paid

<b>SUBMITTED BY</b>		Complete (if applicable)	
Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011
Signature	<i>Brent E. Vecchia</i>	Telephone	(303) 740-1980
		Date	5/17/07

Based on PTO/SB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (M) 02/26/2007.  
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CENTRAL FAX CENTER****MAY 17 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/674,363

1<sup>st</sup> Named Inventor : Paul S. Diefenbaugh

Filed : 09/29/2003

Docket No. : 42P17696

Confirmation No. : 5223

Art Unit : 2628

Examiner : Antonio A. Caschera

Customer No. : 8791

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE (37 CFR 1.104 (e))**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**CERTIFICATE OF TRANSMISSION (37 CFR 1.8A)***I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the Patent and Trademark Office.**Wendi Lou Rostan* 5/17/07  
Wendi Lou Rostan Date

Sir:

As an initial matter, the undersigned would like to thank the Examiner for the search and review of the above-captioned application and the allowance of claims in the Notice of Allowance. In response to the Notice of Allowance, the undersigned submits herein a statement commenting on the reasons for allowance and respectfully requests that this statement be made of record.

*Statement Commenting on the Reasons for Allowance*

The Examiner, in the statement of reasons for allowance, may have referenced some of the limitations from some of the allowed claims. To clarify the record for anyone who may later view the file wrapper in this application, the undersigned would like to remark that each claim should be construed to include only those limitations that are explicitly recited in the language of the claim. The reasons provided should not be used to interpret the patent claims, or to produce any prosecution history estoppel.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP

Dated: 5/17/07By Grant E. Vecchia

Grant E. Vecchia, Reg. No. 48,011

Tel.: (303) 740-1980 (Mountain Time)

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025